

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP.

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-2880

**[PROPOSED] ORDER GRANTING
PLAINTIFF FEDERAL TRADE
COMMISSION'S EMERGENCY
MOTION FOR A TEMPORARY
RESTRANING ORDER PURSUANT TO
FEDERAL TRADE COMMISSION ACT
§ 13(b)**

WHEREAS, on June 12, 2023, Plaintiff Federal Trade Commission (the “FTC” or “Commission”), filed its Complaint for a Temporary Restraining Order and Preliminary Injunction Pursuant to Section 13(b) of the Federal Trade Commission;

WHEREAS, Plaintiff FTC also filed an Emergency Motion for a Temporary Restraining Order Pursuant to Federal Trade Commission Act § 13(b) on June 12, 2023 in this case;

WHEREAS, Plaintiff FTC seeks a temporary restraining order preventing Defendant Microsoft Corporation (“Microsoft”) and Defendant Activision Blizzard, Inc. (“Activision”) from consummating Microsoft’s proposed acquisition of Activision (the “Proposed Acquisition”) or a substantially similar transaction while Plaintiff FTC’s Complaint is pending;

WHEREAS, in the absence of temporary relief, Defendants would be able to consummate the Proposed Acquisition or a substantially similar acquisition, including integrating their operations and sharing confidential information; and

WHEREAS, temporary relief pursuant to Federal Trade Commission Act § 13(b), 15 U.S.C. § 53(b), is necessary to maintain the status quo while Plaintiff’s Complaint is pending, preserve this Court’s ability to order effective relief in the event it determines a preliminary injunction is warranted, and preserve Plaintiff FTC’s ability to obtain an effective permanent remedy in the event that it prevails in its pending administrative proceeding, *In re Microsoft Corp. & Activision Blizzard, Inc.*, Docket No. 9412 (FTC);

NOW, THEREFORE, IT IS

ORDERED that Microsoft and Activision shall not close or consummate their proposed transaction or a substantially similar transaction until after 11:59 p.m. Pacific Time on the fifth business day after the Court rules on the FTC’s request for a preliminary injunction under Federal Trade Commission Act § 13(b), 15 U.S.C. § 53(b), or a date set by the Court, whichever is later;

FURTHER ORDERED that Microsoft and Activision shall prevent any of their officers, directors, domestic or foreign agents, divisions, subsidiaries, affiliates, partnerships, or joint

ventures from closing or consummating, directly or indirectly, the proposed transaction or a substantially similar transaction; and

FURTHER ORDERED that in computing any period of time specified in this attachment, the day of the act, event, or default that triggers the period shall be excluded. The term “business day” as used in this attachment refers to any day that is not a Saturday, Sunday, or federal holiday.

IT IS SO ORDERED.

Dated: _____, 2023

United States District Judge